

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

KENNETH LEE TAYLOR,

Plaintiff,

v.

ANISE ADAMS, et al.,

Defendants.

No. 2:21-cv-00831-DJC-EFB (PC)

AMENDED ORDER

Plaintiff is a state prisoner proceeding without counsel in an action brought pursuant to 42 U.S.C. § 1983. Both parties have filed motions to modify the schedule to allow additional time for discovery. ECF Nos. 66, 67.

Federal Rule of Civil Procedure 16(b)(4) provides: “A schedule may be modified only for good cause and with the judge’s consent.” Courts considering a request to modify a schedule under Rule 16(b)(4) look primarily to the whether the party seeking modification could not reasonably meet the deadline despite his diligence. *Johnson v. Mammoth Recreations*, 975 F.2d 604, 609 (9th Cir. 1992). While the focus is primarily on the moving party’s diligence, “the existence or degree of prejudice to the party opposing the motion might supply additional reasons to deny” the requested modification. *Id.*

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1 The parties have shown good cause for the requested modifications to the schedule.

2 Accordingly, it is hereby ORDERED that:

- 3 1. Plaintiff's motion to modify the schedule (ECF No. 66) and defendants' motion to  
4 modify the schedule (ECF No. 67) are GRANTED.
- 5 2. The schedule set by the current scheduling order (ECF No. 65) is modified as follows:
- 6 a. The parties may conduct discovery ~~on plaintiff's food sales claim~~ until  
7 December 27, 2024.
- 8 b. Any discovery motions must be filed on or before December 27, 2024.
- 9 c. Dispositive motions shall be filed on or before March 3, 2025.

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11 Dated: November 21, 2024

  
EDMUND F. BRENNAN  
UNITED STATES MAGISTRATE JUDGE